

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEVIN DONALD POPE,

Case No. 2:17-cv-00664-APG-GWF

Petitioner,

ORDER

v.

FEDERAL BUREAU OF PRISONS, et al.,

Respondents.

14 This case is a petition for a writ of habeas corpus under 28 U.S.C. § 2241,
15 brought by Kevin Donald Pope, who states that he is on parole from a judgment of
16 conviction from the United States District Court for the Southern District of Alabama in
17 case number 85-cr-00158-001 (ECF No. 1-1). Pope's application to proceed *in forma*
18 *pauperis* (ECF No. 1) shall be granted. Pope seeks to challenge the calculation of his
19 sentence. He indicates that his current institution is the Community Corrections Center
20 in Las Vegas, Nevada.

21 The court has reviewed Pope's petition pursuant to 28 U.S.C. § 2243. Pope
22 names the Federal Bureau of Prisons and the U.S. Parole Commission as respondents.
23 However, the proper respondent in this action is Pope's custodian, who in this case
24 appears to be the warden or director of Community Corrections Center. See *Dunne v.*
25 *Henman*, 875 F.2d 244, 249 (9th Cir. 1989) (holding that § 2241 petitioner's "true
26 custodian" was the warden of the federal facility where he was incarcerated). The court
27 shall dismiss the petition and grant Pope leave to amend in order to add the proper
28 respondent. Pope need not—and should not—resubmit the exhibits he has already

1 attached to his original petition (see ECF No. 1-1, pp. 10-70). If Pope fails to file an
2 amended petition in conformance with this order, this action shall be dismissed for lack
3 of personal jurisdiction.

4 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
5 *pauperis* (ECF No. 1) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Clerk **SHALL DETACH AND FILE** the
7 petition (ECF No. 1-1).

8 **IT IS FURTHER ORDERED** that the petition is **DISMISSED WITH LEAVE TO**
9 **AMEND**. Within **fifteen (15) days** of the date of this order, petitioner **SHALL FILE** an
10 amended petition adding his custodian as respondent.

11 **IT IS FURTHER ORDERED** that petitioner is expressly informed that failure to
12 file an amended petition in conformance of this order will result in the dismissal of this
13 action.

14 **IT IS FURTHER ORDERED** that the Clerk shall send to petitioner one copy of the
15 papers he has submitted in this action, along with a form § 2241 petition and instructions
16 (AO-242).

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18 DATED: 19 April 2017.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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